IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20826 of 2004

Between:

P.V.Anjaneyulu, S/O P.V.Bharat Rao, aged about 33 years,

Employee in CISF, r/o CISF Quarter No.21/15, CISF Colony,

NFC, ECIL Post, Hyderabad-62.

..... PETITIONER

AND

1 The Commandant, Central Industrial Security Force Unit,
Ministry of Home Affairs, Nuclear Fuel Complex, ECIL Post,
Hyderabad-62.
2 The Commandant, Central Industrial Security Force,
Ministry of Home Affairs, Rourkela Steel Plant, Rourkela,
Orissa State.
3 The Deputy Inspector General, Central Industrial Security Force Unit,
Ministry of Home Affairs, Rourkela Steel Plant, Rourkela,
Orissa State.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in passing the punishment of reduction of pay by 3 stages from Rs.960 to 900/- for a period of 2 years with cumulative effect apart from ordering Over Stayal Leave (OSL) period as EOL (without pay and allowance vide proceedings No.V-15014/31/L&R/RSP/97/4110, dated 4-10-1997 which is confirmed by the 3rd respondent's proceedings No.V-15017/Apl./L&R/RSP/04-3237, dated 28-8-2004 is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the respondents to pay the arrears including pay fixation duly taking into consideration of regular increments.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following:

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ORDER:

The petitioner is working as a Constable in the 2nd respondent Unit. He was imposed a punishment of reduction of pay by three stages from Rs.960/- to Rs.900/- in the time scale of pay, for a period of two years with cumulative effect, through the proceedings dated 04.10.1997 issued by the 2nd respondent in the departmental enquiry. The petitioner being aggrieved by the said order preferred an appeal to the 3rd respondent on 05.11.1997. The appellate authority rejected the appeal through the proceedings dated 28.08.2004. Therefore, he approached this Court through this writ petition seeking to declare that the action of the 2nd respondent is illegal and to direct the respondents to restore original scale of pay.

2. The learned counsel for the petitioner contends that the disciplinary authority has no power to impose the punishment of stoppage of withholding of increments with cumulative effect. In support of his contention, he relied upon a Judgment of this Court in Writ Petition No.10299 of 1988, dated 09.07.1992, wherein this Court modified the punishment of stoppage of increments with cumulative effect. He also brought to the notice of this Court a Circular dated 14.10.1992, issued by the respondent Unit in this regard.

3. The learned counsel for the respondents does not dispute the existence of the Circular dated 14.10.1992 and its subsistence as on today.

4. Having regard to the facts and circumstances of the case, the punishment of reducing the pay by three stages from Rs.960/- to 900/- in the time scale of pay of the petitioner for a period of two years with cumulative effect, imposed by the 2nd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as reducing the pay by

three stages from Rs.960/- to 900/- in the time scale of pay of the petitioner for a period of two years without cumulative effect The petitioner is not entitled for the difference of the amount if any from the date of order of punishment till this date by virtue of this Order, but he is entitled to get the increments on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Commandant, Central Industrial

Security Force Unit, Ministry of Home Affairs,

NFC, ECIL Post, Hyderabad-62

2. The Commandant, Central Industrial

Security Force, Ministry of Home Affairs,

Rourkela Steel Plant, Rourkela,

Orissa State

3. The Dy.Inspector General,

Central Industrial Security Force Unit,

Ministry of Home Affairs,

Rourkela Steel Plant, Rourkela,

Orissa State

4. Two CD copies.